

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Divisional Application of: )  
 )  
 Applicant : Lydie Bougueleret )  
 ) Grp./A.U. : 1656  
 Appl. No. : )  
 ) Examiner : K. Katcheres  
 Filed : February 7, 2002 )  
 )  
**Parent Application:** )  
 )  
 Serial No. : 09/345,882 )  
 )  
 Filed : June 30, 1999 )  
 )  
 Title : A NUCLEIC ACID ENCODING A )  
 RETINOBLASTOMA BINDING PROTEIN )  
 (RBP-7) AND POLYMORPHIC )  
 MARKERS ASSOCIATED WITH SAID )  
 NUCLEIC ACID. )

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Honorable Commissioner of Patents  
 Washington, D.C. 20231

**PRELIMINARY AMENDMENT**

Sir:

Applicant respectfully request that the following preliminary amendment be entered prior to the initiation of examination of the above-identified divisional application on the merits. If the Examiner chooses to restrict the claims as was done for the parental application (U.S. Application Serial No. 09/345,882), Applicant elects Group IV (claim 30) with traverse. Applicant believes the claims are in condition for allowance. Once the Examiner finds the claims are in condition for allowance, Applicant hereby authorizes the Examiner to cancel the nonelected claims without prejudice.

**In the Specification:**

Please delete the initial paragraph under the heading "**RELATED APPLICATIONS**" and insert in place thereof the following paragraph:

-- This application is a divisional of U.S. Application Serial No. 09/345,882, filed June 30, 1999, which claims priority to U.S. Provisional Application No. 60/091,315, filed June 30, 1998, and U.S. Provisional Patent Application No. 60/111,909, filed December 10, 1998; the disclosures of which are incorporated herein by reference in their entireties. --

**In the Claims:**

Please cancel claims 1-24, 26, and 28 without prejudice.

Please add claim 30 as follows:

30. (NEW) An isolated and purified polypeptide comprising the contiguous amino acids of SEQ ID No. 29.

**REMARKS**

Claims 25, 27, 29 and newly added claim 30 are pending in this application. Claims 1-24, 26, and 28 have been canceled without prejudice. Specific support for newly added claim 30 can be found on page 14 of the specification.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional fees, or credit overpayment to Deposit Account No.

50-1181.

Respectfully submitted,

GENSET CORPORATION

Date: 2/7, 2002

By: John Lucas

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*I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, on the Date of Deposit shown above, postage prepaid and in an envelope addressed to the Assistant Commissioner for Patents, Box Non Fee Amendment, Washington, D.C. 20231.*

Deno P. Dialynas  
Signature

Deno P. Dialynas

Typed or Printed Name of Person Signing Certificate